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DEC 17 2008

In re Application of :
Vasudevan, et al. :
Application No. 10/730,349 : **ON PETITION**
Filed: December 8, 2003 :
Attorney Docket No. 016295.1510 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 11, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned June 8, 2007 for failure to timely submit a proper reply to the final Office action mailed March 7, 2007. The final Office action set a three month shortened statutory period of time for reply. A reply was filed May 7, 2007, but it failed to place the application in condition for allowance, as indicated by the Advisory Action mailed February 5, 2008. Notice of Abandonment was mailed June 19, 2008.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition lacks requirement (1) set forth above. The petition references the submission of an RCE as the required reply wherein the petition states "RCE (including remarks) is enclosed herewith. A review of the papers submitted September 11, 2008 does not reveal the receipt of a request for continued examination.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
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By hand: U. S. Patent and Trademark Office
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 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read 'Alesia M. Brown', is positioned above the printed name.

Alesia M. Brown
Petitions Attorney
Office of Petitions